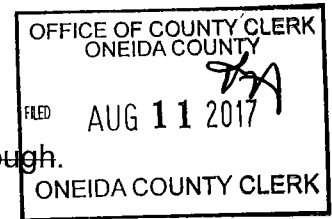


**ONEIDA COUNTY ZONING AND
SHORELAND PROTECTION ORDINANCE
ORDINANCE AMENDMENT #10-2017**

Additions noted by Underlined; deletions noted by ~~strikethrough~~.

**CHAPTER 9
ARTICLE 10 – DEFINITIONS**
(# 08-2004, 14-2007, 14-2008)



The following definitions shall apply and control through this ordinance. Words or phrases not defined specifically below but used in this ordinance shall be interpreted so as to give them the same meaning as they have at common law and to give this ordinance its most reasonable application.

Access and Viewing Corridor: a strip of vegetated land that allows safe pedestrian access to the shore through the vegetative buffer zone.

ALW Non-Riparian Lot - The average horizontal straight line measurement between side lot lines of a lot from any given point within the lot area to be computed. The minimum average lot width (ALW) shall apply to the area covered by the portion of the lot containing the buildable area for the district and land use that applies. If the districts average width dimensions are maintained from the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.

ALW Riparian Lot (Average Lot Width): The average horizontal straight line measurement between side lines of a lot. A lot shall be judged to meet the minimum average width requirement for the district in which it is located, if the district's average width dimensions are maintained from the point(s) at which the lot's riparian frontage width ("RFW" as defined in Article 10 Definitions) and/or frontage width is determined to the point(s) at which the lot's minimum area requirement has been satisfied; no additional area of a particular lot in question need meet the minimum average width requirement.

The minimum average lot width shall apply to the area covered by the minimum lot area. The width shall be calculated by averaging the measurements at the following locations:

- a) The ordinary high water mark.
- b) The building setback line (75ft from the OHWM).
- c) The rear lot line or 200ft from the OHWM, whichever is closest.

Appurtenance: Any object or thing permanently or temporarily attached to a structure.

Banner: Any sign, painted, printed or otherwise displayed on cloth, plastic film or similar material.

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Basement: Any enclosed area of a building having its floor subgrade, i.e., below ground level, on at least three sides.

Bed and Breakfast Establishment: Any place of lodging that: (a) provides 8 or fewer rooms for rent to no more than a total of 20 tourists or transients; (b) provides no meals other than breakfast and provides the breakfast only to renters of the place; (c) is the owner's personal residence; (d) is occupied by the owner at the time of rental; (e) was originally built and occupied as a single-family residence, or, prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and (f) has had completed, before May 11, 1990, any structural additions to the dimensions of the original structure, including by renovation, except that a structural addition including a renovation, to the structure may, after May 11, 1990, be made within the dimensions of the original structure.

Berth: A single space at a berth structure where a boat is kept, secured, or lies at anchor in aid of navigation.

Berth Structure: Any boathouse, boat shelter, boat hoist, boat lift, boat dolly and track or similar system, pier, dock, mooring or mooring buoy on a navigable body of water or within the water line setback area from a navigable body of water where a boat is kept, secured or lies at anchor in aid of navigation.

Boarding House: A building or premises where meals or meals and lodging are offered for compensation for five (5) or more persons and not to exceed twenty (20) persons; not open to transients, in contradiction to hotels and restaurants open to transients.

Boat: Every description of watercraft used or capable of being used as a means of transportation on water, except seaplanes on the water, fishing rafts, sailboards, inner tubes or inflatable toys.

Boathouse: A permanent structure used for the storage of boats and other related items, one story only, cannot exceed a total height of 12 feet and shall contain no plumbing or other living facilities. watercraft and associated materials and includes all structures which are totally enclosed, have roofs or walls or any combination of these structural parts and shall contain no plumbing or other living facilities.

Boat Liveries: Establishments offering the rental of boats and fishing equipment.

Boat Shelter: A permanent structure in navigable waters designed and constructed to provide cover for a boat. It may include a roof and a boat hoist, but must not have walls or sides. Does not include shore stations.

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Buffer strips: Areas adjacent to the aquatic vegetation of streams, wetlands, and lakes serving to facilitate nutrient buffering while providing additional benefits of shading to reduce water temperature, habitat, aesthetics and soil stabilization.

Building: Any structure which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, does not include a dwelling.

Building, Accessory: A detached subordinate building or a portion of a principal building, the use of which is incidental to that of the principal building.

Building Envelope: ~~The enclosure formed by the intersection of all building lines. The three dimensional space within which a structure is built.~~

Building Footprint: The area enclosed by the lines formed by connecting all points where the building's walls, or the foundation supporting the walls, meet the ground. For the purpose of this definition, chimneys, decks, patios, cantilevered walls or other appurtenances shall not be considered as part of the building footprint (see also definition of Footprint).

~~**Building Height:** The building height for gable, cross-gabled, hip, cross-hipped, saltbox and lean-to roofs shall be the mean height. Mean height being defined as: (A) the measurement from the lowest exposed point of finished grade to eave, PLUS (B) the measurement from the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you the mean height or height of the building.~~

~~The building height for mansard and gambrel roofs shall be the mean height. Mean height being defined as: (A) the lowest exposed point of finished grade to the ridgeline and (B) the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you the mean height or height of the building.~~

~~The building height for flat, A-frame style houses and geodesic dome style houses shall be measured from the lowest exposed point of finished grade to the highest roof point.~~

Building Height (structures located less than 75ft from the OHWM): is the measurement of the vertical line segment starting at the lowest point of any exposed wall and it's intersect with the ground (Point A in the following diagram) to a line horizontal to the highest point of a structure (Point B in the following diagram), unless specified under other sections of this code.

Building Height (principal and accessory structures located greater than 75ft from the OHWM): defined as: (A) the measurement from the lowest

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exposed point of finished grade to eave, PLUS (B) the measurement from the lowest exposed point of finished grade to the highest roof point. $A+B=C \div 2$ will give you height of the building.

Building, Principal: The main structure on a lot which is built for the support, shelter or enclosure of animals, chattels or movable property of any kind and which is permanently affixed to the land, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to sec. 30.11, Wis. Stats., and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Business, Retail: A commercial establishment that sells products in relatively small quantities, not in bulk, directly to ultimate consumers.

Business, Wholesale: A commercial establishment that sells products for further sale or processing. Wholesale businesses sell to retail businesses or jobbers, not to ultimate consumers.

Cabin: A small dwelling used temporarily for vacation or recreational purposes.

Campground: An area of land so arranged and improved to provide the necessary facilities to accommodate overnight primitive and tent camping and camping trailers.

Camping Trailer: A vehicle with a collapsing or folding structure designed for human habitation and towed upon a highway by a motor vehicle, not to exceed 320 square feet.

CEAV: Current equalized assessed value.

Child Caring Institution: A facility operated by a child welfare agency licensed under sec. 48.60, Wis. Stats., for the care and of children residing in that facility.

Channels: A natural or artificial watercourse of perceptible extent, with definite bed and banks to confine and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of the defined channel.

Committee: Oneida County Planning and Zoning Committee.

Communication Structure: Any structure, whether free-standing or attached to an existing building or other structure, that is primarily designed, constructed and/or intended for, or being used to, mount or support one or more radio frequency (RF) electromagnetic radiating or receiving antennas. Such structures include AM, FM and TV transmitting towers; cable TV receiving towers; microwave towers; cellular telephone towers; and towers for paging, emergency services, and other private or public radio systems. Self-supporting and guyed towers, and monopole masts, are included. RF radiating and receiving antennas, and associated components and devices attached to a communication structure shall be considered as part of that structure.

Community-Based Residential Facility: Has the meaning contained in sec. 50.01(1g), Wis. Stats.

Community Living Arrangement: Has the meaning contained in sec. 46.03(22), Wis. Stats.

Conditional Use: A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the Planning and Zoning Committee, or where appropriate, the Board of Adjustment, or County Board.

Condominium: Property subject to condominium declaration including but not limited to land, buildings, or a part of the building or a group of buildings including all the land, jointly owned and operated with the law of the Wisconsin Statutes for the mutual protection and benefit of an association of all the members of ownership. The workings of this agreement are entailed in a condominium declaration.

Constructed wetland: Shallow pools that enhance growing conditions for marsh plants to maximize pollutant removal.

Construction Trailer: A portable structure designed to be used as an office at a construction site for a building, highway, gravel or borrow pit, etc., which is usually equipped with a telephone, desk, chairs and first aid equipment. Such a structure is not designed to be used for and shall not be permitted for use as living or sleeping quarters.

Contractor: Any person who contracts to physically alter structures or land, including but not limited to engaging in building, construction, grading, excavating and erosion control activities.

Conversion Condominium: A parcel of land with existing structure or structures converted to a condominium form of ownership.

County Zoning Agency: That committee or commission created or designated by the county board under s. 59.69(2)(a), Stats, to act in all matters pertaining to county planning and zoning.

Crawlway or Crawl Space: An enclosed area below the first usable floor of a building, generally less than five (5) feet in height used for limited access to plumbing and electrical utilities.

CUP: Conditional Use Permit.

Department: Oneida County Planning and Zoning Department.

DNR: The Wisconsin Department of Natural Resources.

Depressed Pervious Area: Commonly constructed to capture runoff from parking areas, it is lower than the surrounding surfaces, contains permeable soils and may have a built-in filtration system and/or a beehive drain.

Developed Shoreline: Those shorelines where both neighboring properties next to the riparian landowner contain a building of 500 square feet or larger, located with 250 feet of a proposed boat shelter.

Development: Any artificial change to improved or unimproved real estate, including but not limited to the construction of buildings, structures or accessory structures; the construction of additions or substantial improvements to building structures or accessory structures; the placement of buildings or structures; mining, dredging, filling, grading, paving, excavation or drilling operations; and the storage, deposition or extraction of materials, public or private sewage disposal systems or water supply facilities.

Drainage System: One or more artificial ditches, tile drains or similar devices which collect surface runoff or ground water and convey it to a point of discharge.

Dwelling: A detached structure or part thereof designed or used as a residence or sleeping place and includes a manufactured home, but does not include boarding or lodging houses, motels, hotels, tents, or tourist cabins.

Dwelling, Accessory: An additional dwelling unit on a parcel where a principal dwelling unit already exists.

Dwelling, Multiple Family: A dwelling containing two or more dwelling units, either attached, semi-attached or detached, including those under condominium form of ownership.

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Dwelling, Principal: The main structure on a lot consisting of a room or a group of rooms, which are arranged, designed, used or intended for use as the main living quarters for one family.

Dwelling, Seasonal: A single family dwelling used on an intermittent basis for recreational purposes, such as, but not limited to, a hunting cabin. A seasonal dwelling is a dwelling which is not utilized as a principal or year-round dwelling and is not occupied more than 180 days in any 365-day period and does not require public services such as school bus transportation pursuant to Section 121.54 (2)(b) Wis. Stats. or amendments thereto, or snow plowing of roads by a governmental unit. Listing such dwelling as the occupant's legal residence for the purposes of voting, payment of income taxes or motor vehicle registration or for purposes of eligibility for a State of Wisconsin Lottery Tax Credit, or living in such dwelling for more than 180 days in any 365-day period shall be considered evidence that the dwelling is being used as a principal or year-round dwelling.

Dwelling, Single Family: A dwelling containing one dwelling unit either attached, semi-attached or detached.

Dwelling Unit: A room or a group of rooms constituting all or part of a dwelling, which are arranged, designed, used or intended for use as living quarters for one family.

EAV: Equalized assessed value.

Ecologically Significant Area: An area in which native aquatic plants are present in sufficient abundance and density to support significant spawning, seasonal or life stage habitat for first or other aquatic life and to protect water quality.

Encroachment: To advance beyond proper or prescribed limits.

Equal Degree of Encroachment: Is established by considering the effect of encroachments on the hydraulic efficiency of the "Floodplain" along a significant "reach of the stream". Hydraulic efficiency depends on such fact as the relative orientation of the channel with respect to the "floodway" the natural and man-made characteristics of the floodplain, of vegetation on both sides of the stream and the resistance of such vegetation to flood flow. In most cases, these factors will not result in equal distance or areas between encroachment lines on both sides of the stream.

Erect: To construct, build, fabricate, raise, assemble, place, affix, attach, create, paint, draw, or in any other way bring into being or establish.

Existing Development Pattern: That principal structure exist within 250 feet of a proposed principal structure in both directions along the shoreline.

Existing Pattern: Determined for highway setback purposes by requiring structures on property to conform generally to the setback of the structures on property immediately adjacent to it and on the same side of any street or road upon which the subject property fronts.

Extended Detention Pond: Storm water detention basins designed to temporarily hold storm water for an extended period of time, allowing the physical settling of pollutants.

Expandable Condominium: A condominium to which additional units or property or both may be added.

Expansion to Existing Mobile/Manufactured Home Park: The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be placed. This includes installation of utilities, either final site grading, pouring pads, or construction of streets.

Exploration: Has the meaning set forth in Ch. 293, Wis. Stats.

Family: Any number of persons related by blood, adoption or marriage, not to exceed four (4) persons not so related, living together in one dwelling as a single housekeeping entity including community living arrangements with eight or fewer unrelated handicapped residents.

Farm: An area of land devoted to the production of field or truck crops, livestock or livestock products which constitutes the major use of such property.

Federal Emergency Management Agency (FEMA) : The federal agency that administers the National Flood Insurance Program. This agency was previously known as the Federal Insurance Administration (FIA), or Department of Housing and Urban Development (HUD)

Fence: An independent structure forming a barrier at grade between lots, between a lot and a street or road, or between portions of a lot or lots.

Fish Hatchery: An establishment for the breeding, propagation and rearing of fish fry.

Fisheries: An establishment for the production, harvesting and sale of fish produced on the premises.

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Flood: A temporary rise in stream flow or stage that results in water overtopping its banks and inundating area adjacent to the channel.

Flood Profile: A graph or a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Flood Stage: For purposes of this ordinance, the term is used to mean the height or elevation of a flood as referred to some datum. For other purposes it is commonly used to refer to the elevation at which a stream will overtop its normal stage banks.

Floodplain: The land which has been or may be hereafter covered by flood water during the regional flood. The floodplain includes the floodway and the flood fringes as those terms are defined in Wis. Admin. Code NR116.

Floodplain Island: A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain Management: The full range of public policy and action for insuring wise use of floodplains. It includes everything from the collection and dissemination of flood data to the acquisition of floodplain lands and the enactment and administration of codes, ordinances and statutes for land use in the floodplain.

Floodproofing: Using any of a variety of techniques to lessen flood effects on a structure as are permitted by Wis. Admin. Code NR 116.03 and any amendments thereto.

Floodway: The channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the flood water or flood flows of any river or stream including but not limited to flood flows associated with the regional flood.

Forest Industries: The cutting and storing of forest products, the operation of portable sawmills and planer, the production of maple syrup and sugar.

Forest Products: Products obtained from stands of forest trees which have been either naturally or artificially established.

Foster Home: Any facility that is operated by a person required to be licensed by sec. 48.62, Wis. Stats., and that provides care and for no more than 4 children unless all of the children are siblings.

Freestanding Sign: A sign supported by posts, poles, or standards and is not attached or connected to any building.

Fur Farm: The breeding, raising and producing in captivity and marketing of fur bearing animals similar to an agricultural enterprise. Wild game trapping consistent with DNR regulations is excluded.

Garage: An accessory structure or portion of a principal structure utilized for the storage of motor vehicles. A garage may not be used as sleeping quarters.

Governmental Uses: Governmental activities or operations associated with the provision of services to the public. Governmental uses do not include correctional facilities, solid waste disposal sites or non-metallic mining.

Group Home: Any facility operated by a person required to be licensed by the department under sec. 48.625, Wis. Stats., for the care and of 5 to 8 children.

Habitable Buildings: Any building or portion thereof used or possible to be used for human habitation.

Hearing Notice: Publication or posting meeting the requirements of **Ch. 985, Wis. Stats.** Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before the hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments; published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

Home Occupation: A limited owner or residential tenant occupied business in a residential district that complies with the home occupation provisions of this ordinance. A home occupation includes a professional home office.

Horticulture: The cultivation of an orchard, garden or nursery.

Hotel: A place where sleeping accommodations are offered for pay to transients, in 5 or more rooms, and all related rooms, buildings and areas.

House Trailer: A portable structure which is on wheels, skids, rollers, blocks, jacks, posts, piers, foundations or similar supports which is used or intended to be used primarily for human habitation, whether temporary or permanent, and which falls within one of the following categories:

- a. The structure is 12 feet long or less in width and does not comply with the ANSI National Construction Code for mobile homes.
- b. The structure meets all of the requirements of a manufactured home as defined in this Code except for the size.
- c. The structure meets all of the requirements of a mobile home as defined in this Code except for the size.

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Hunting and Fishing Cabins: Buildings used at special seasons of the year as a base for hunting, fishing and outdoor recreation.

Impervious Surfaces: ~~Those surfaces that do not absorb water, including but not limited to, buildings, paved parking areas, paved driveways, roads, sidewalks, and any other concrete, asphalt, or blacktopped areas. Additionally, any other areas determined by the Zoning Administrator to be impervious shall be classified and treated as an impervious surface. An area that releases as runoff all or a majority of the precipitation that falls on it. "Impervious surface" excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54), Wis. Adm. Code, or sidewalks as defined in s. 340.01(58), Wis. Adm. Code, are not considered impervious surfaces.~~

Infiltration basins: Large open depressions that store storm water runoff while percolation occurs through bottom and sides.

Infiltration trenches: Shallow, excavated trenches filled with a coarse aggregate material and covered with a pervious soil layer.

Infiltration tube: A corrugated polyethylene tube with perforated dual wall covered by a filter fabric sock and buried vertically in a bed of aggregate.

Junkyard: An open area or fenced enclosure where used or second hand materials (including but not limited to scrap iron or other metal, paper rags, tires or bottles) are bought, sold, exchanged, stored, baled, packed, disassembled, processed, or handled. For purposes of this ordinance, a junkyard includes auto salvage yards, but does not include uses established or maintained entirely within enclosed buildings. Two or more inoperative machines, pieces of equipment or motor vehicles shall constitute a junkyard.

Kenel: A place where 4 or more dogs over the age of 6 months are boarded, bred, or offered for sale.

Keyhole Development: The creation of a lot, outlot or parcel of land, by any type of recorded instrument, that provides access to a navigable water body for ~~more than one~~ or more non-riparian lot, outlot or parcel of land and where the ownership of the riparian and non-riparian lots are not the same. Keyhole development shall also include dredging of a channel for the purpose of navigational access to a water body from one or more lots, outlots or parcels of land. Keyhole development shall not include public boat ramps or marinas permitted under this ordinance.

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Land Use: Any non-structural use made of unimproved real estate. (Also see Development)

Landward Expansion: Expansion lying, facing or moving towards land or in the direction of land. Expansion which is situated or facing toward the land.

Legal Pre-existing Structure or Use: The existing lawful use of a structure or premises at the time of the enactment of this ordinance or any amendment thereto and ordinary may be performed thereon, although such use does not conform with the provisions of the ordinance for the district in which it is located, subject to conditions hereinafter stated.

Legal Pre-Existing Signs: Signs lawfully in existence on the effective date of this ordinance, but which do not conform to the requirements herein are declared legal pre-existing.

Licensed Game and Fur Farm: The propagation, production, and sale of birds and animals under a special license of the Wisconsin Conservation Department as covered in **Ch. 29**, Wis. Stats.

Light Industry: Those industries that have very little or no air, water, or noise pollution, such as, assembly plants for bug zappers, assembly plants for computers, assembly plants for coin machines, machine shops, and woodworking shops.

Livestock: Includes, but is not limited to horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, bison and any other hoofed animals.

Lodging House: A building other than a hotel, where lodging is provided for five (5) or more persons not members of a family and not open to transients.

Lot: A distinct portion of plot of land. A continuous parcel of land, not divided by a public right-of-way, and sufficient in size to meet the lot width and lot area provisions of this ordinance.

Lot area: The area of a horizontal plane bounded by the front, side, and rear lot lines of a lot, but not including the area of any land below the ordinary high water mark of navigable waters.

Lot Line: The boundary of a lot or parcel of land.

Lot of record: any lot, the description of which is properly recorded with the Register of Deeds, which at the time of its recordation complied with all applicable laws, ordinances, and regulations.

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Lot Width: The shortest distance between lot lines from any given point.

Maintenance and Repairs: ~~Has the same definition as "ordinary maintenance and repairs" in this ordinance.~~ Maintenance and repairs include such activities as interior remodeling, painting, decorating, paneling, plumbing, insulation and replacement of windows, doors, wiring, siding, roof and other non-structural components; and the repairs of cracks in foundation, sidewalks, walkways and the application of waterproof coatings to foundations.

Manufactured Building: A structure which, when erected on site, is 720 or more square feet in area and which complies with all construction safety, foundation, ventilation and access standards established under **Subchapter III, Manufactured Building Code, section 101.70** Wis. Stats., which is used or intended to be used primarily for human habitation, whether temporary or permanently.

Manufactured Home: A structure, transportable in one or more sections, which the traveling mode is 14 body feet or more in width and 52 body feet or more in length, or when erected on site is 720 or more square feet, and which is built on a permanent chassis, and designed to be used or intended to be used primarily for human habitation whether temporary or permanent, and which is connected to required utilities and which complies with all manufactured home construction and safety standards established under USC 5401-5426, which became effective June 15, 1976.

Manufacturing: The production of goods from raw materials.

Marina: An area on a river or lake devoted to Marine and related recreational business and service.

Master Zoning District Document: The document containing the legal description of each zoning district that is maintained and updated by the Zoning and Planning Department.

Metallic Mining: Has the meaning set forth in Ch. 293, Wis. Stats.

Mitigation: Approved, balanced measures that are designed and implemented to restore natural functions and values that are otherwise lost through development and human activities.

Mobile Home Park, Manufactured Home and House Trailer Park: Any area or premises on which is provided the required space for the accommodation of two (2) or more mobile homes, manufactured homes or house trailers, together with necessary, accessory buildings, driveways, walks or other required adjuncts.

Mobile Home: A structure manufactured or assembled before June 15, 1976, which complies with the ANSI National Construction Code for Mobile Homes, which is designed to be transported to its placement site as a single unit or in sections and equipped and used, or intended to be used, primarily for human habitation, whether temporary or permanent, with walls or rigid uncollapsible construction, which is at least 12 body feet in width and has an overall length in excess of 48 feet. "Mobile Home" includes the mobile home structure, its plumbing, heating, air conditioning, and electrical systems, and all appliances and all other equipment carrying a manufacturer's warranty.

Motel: A place that furnishes on-premise parking for motor vehicles of guests as part of the room charge, without extra cost, and that is identified as a "motel" rather than a "hotel" at the request of the operator.

Motor Home: A motor vehicle designed to be operated upon a highway for use as a temporary or recreational dwelling and having the same internal characteristics and equipment as a mobile home.

Navigable Waters: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under sec. 281.35, Wis. Stats., notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under sec. 59.692, Wis. Stats., and Wis. Admin. Code NR115 do not apply to lands adjacent to ~~farm drainage ditches~~ if:

- a. Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river; ~~and such lands were not navigable streams before ditching; and~~
- b. ~~Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching; and,~~
- c. ~~Such lands are maintained in non-structural agricultural use.~~
- (b) Artificially constructed drainage ditches, ponds or stormwater retention basins that are not hydrologically connected to a natural navigable water body

Non-Metallic Mining or Non-Metallic Mining Operation: Operations or activities for the extraction from the earth for sale or use by the operator of mineral aggregates such as stone, sand and gravel, and non-metallic minerals such as asbestos, beryl, clay, feldspar, peat and talc, related operations or activities such as excavation, grading, or drudging if the purpose of those operations or activities is the extraction of mineral aggregates and non-metallic minerals, and related processes such as crushing, screening, scalping, dewatering, and blending."

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Nuisance: A nuisance shall mean any source of filth or cause of sickness, any unreasonable use of property or activity that interferes substantially with the comfortable enjoyment of life, health or safety of another or others. An offensive, annoying, unpleasant or obnoxious thing or practice which may annoy or disturb others' enjoyment of their property.

Official Signs and Notices: Include only official signs and notices, public utility signs, service club and religious notices, and public service signs. Also, signs and notices erected and maintained by public officers or public agencies within their territorial or zoning Jurisdiction and pursuant to and in accordance with direction or authorization contained in federal, state, or local law for the purposes of carrying out an official duty or responsibility. Historical markers authorized by state law and erected by state or local government agencies or non-profit historical societies may be considered official signs.

Off-Premise Sign: A sign which advertises goods, products, facilities or services not available on the premises where the sign is located, or directs persons to a different location from where the sign is located.

OHWM: Ordinary high water mark.

On-Premise Sign: A sign advertising activities conducted on the property on which it is located. This includes a sign which consists solely of the name of an establishment and a sign which identifies the establishment's principle product or services offered on the premises.

Open Fence: A fence constructed in such a manner that it does not unreasonably obstruct vision.

Ordinary High Water Mark (OHWM): The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Ordinary Maintenance and Repairs: Ordinary maintenance and repairs include, but are not limited to: replacement of existing windows, skylights, doors, and similar fixtures, when such replacement does not require the alteration of a structural element of the building such as a header, stud, joist, rafter, truss, or similar structural element; painting and staining of existing siding or replacement of deteriorated siding; replacement of damaged insulation; addition of insulation; repair or replacement of existing shutters, cabinetry, flooring, roof covering consisting of shingles, rolled, metal, fiberglass, tiles, and other similar roofing materials.

Parking Lot: A lot where automobiles are parked or stored temporarily but not including the wrecking of automobiles to other vehicles or storage for the purpose of repairing or wrecking.

Percent Slope (does not involve the placement of a structure): The difference in elevation from (a) the point of land disturbance closest to the OHWM and (b) the point of the land disturbance farthest from the OHWM (rise), divided by (c) the horizontal distance between the two points (run) multiplied by 100. (Rise over run x 100)

Percent Slope (for the placement of structures): The difference in elevation from highest elevation to the lowest elevation measured over the footprint of the structure. (a) the lowest point of land disturbance from that point of the structures footprint closest to the OHWM and (b) the highest point of the land disturbance from that point of the structures footprint farthest from the OHWM (rise), divided by (c) the horizontal distance between the two points (a and b) of the footprint (run) multiplied by 100. (Rise over run x 100)

Note: For proposed walkout or partially exposed basements/foundations sloping toward the OHWM, (a)= the lowest point of land disturbance closest to the OHWM.

Permanent Structure: A structure which is built of such material and in such a way that it would commonly be expected to last and remain useful for a substantial period of time.

Person: An individual, or group of individuals, corporation, partnership, association, municipality or state agency.

Pier: Any structure extending into navigable waters from the shore with water on both sides, built or maintained for the purpose of providing a berth for boats or for loading or unloading cargo or passengers onto or from boats. Such a structure may include a boat shelter which is removed seasonally.

Political Sign: A sign erected for the purpose of soliciting support for or opposition to a candidate or a political party or relating to a referendum question in an election held under the laws of this state.

Porous Pavement: An alternative to conventional pavement, it diverts runoff through a porous asphalt layer into an underground reservoir constructed of crushed stone or gravel. The stored runoff gradually infiltrates into the subsoil and water table.

Poultry: Domestic fowl, such as chickens, turkey, ducks or geese raised for flesh or eggs. Exotic species may include but are not limited to ostrich, emu, etc.

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Professional Office: When conducted in a residential district a professional office shall be incidental to the residential occupation and shall be conducted by a member of the resident family entirely within the residential building, and shall include the office of a doctor, dentist, minister, architect, landscape architect, professional engineer, lawyer, author, musician, or other similar recognized profession.

Prospecting: Has the meaning set forth in Ch. 293, Wis. Stats.

Private Club or Private Camp: Buildings or ground used for regular or periodic meetings or gatherings of a group of persons organized for a non-profit purpose, but not groups organized to render a service customarily carried on as a business.

Private Sewage System: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure. A private sewage system may be owned by the property owner or by the special purpose district. Unsewered lots mean those lots sewered by a private sewage system.

Public and Private Parks, Playgrounds, Campgrounds, and Golf Courses: Areas of land with or without buildings designed for recreational uses.

Public Sanitary System: All facilities of a sanitary district with taxing authority for collection, transporting, storing, pumping, treatment and final disposition of sewage. However, it does not include any private sewage systems. Sewered lots mean those lots sewered off a Public Sanitary System.

Public Utilities: Those utilities using underground or overhead transmission lines such as electric, telephone and telegraph, and distribution and collection systems such as water, sanitary sewer and storm sewer.

Public Utility Line: Underground and overhead transmission lines erected and maintained by a public utility.

Public Utility Sign: Warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

Public Utility Structure: A structure erected and maintained by a public utility.

Quarrying: The removal of rock, slate, gravel, sand, topsoil or other natural material from the earth by excavating, stripping, leveling or any other such process.

Rain gardens: Areas of lower elevation adjacent to roads or parking areas, and can be incorporated into a landscaping plan in developments. Underlayment may consist of permeable materials or may resemble a mini-wetland. Hydric plants and shrubs are used to provide temporary storage of peak flows and infiltration of storm water runoff.

Rain harvesting system: Storm sewer catch basin, varying in diameter from 3 to 6 feet, with a storage chamber below the outlet pipe that will vary from 3 to 6 feet in depth. The sump or storage chamber provides residence time for runoff, allowing the physical settling of sediments.

Reach: A hydraulic engineering term to describe longitudinal segments of a stream or river. A reach will generally include the segment of the floodplain where flood heights are primarily controlled by man-made or natural floodplain obstructions or restrictions. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most likely be a reach.

Real Estate Sign: A sign advertising the sale or lease of land upon which it is located or of a building on that land.

Reclamation: The rehabilitation of the project site including, but not limited to establishment of vegetative cover, stabilization of soil conditions, prevention of water pollution and where practicable, restoration of fish, plants and wildlife.

Recreation Camps: Areas of land improved with buildings or tents, and sanitary facilities used for the accommodation of groups for educational or recreational purposes.

Recreational Vehicle: A mobile home when fully expanded contains 400 square feet or less of living space, and which is built on a permanent chassis and designed to be towed on a highway by a motor vehicle and equipped and used, or intended to be used, primarily for temporary human habitation or recreational living quarters, and includes the plumbing, heating, air conditioning and electrical systems contained in the recreational vehicle. A recreational vehicle includes a motor home, park model, truck camper, travel trailer and camping trailer.

Recreational Vehicle Parks: An area of land so arranged and improved to provide the necessary facilities to accommodate overnight primitive and tent camping and camping trailers, motor homes, park models and recreational vehicles.

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Regional Flood: The regional flood is a flood determined by the Division of Resource Development which is representative of large floods known to have occurred generally in Wisconsin and reasonably characteristic of what can be expected to occur on a particular stream. The regional flood generally has an average frequency in the order of the one-hundred (100) year recurrence interval flood determined from an analysis of floods on a particular stream and other streams in the same general region.

Replacement Construction: The principal building or portion thereof is torn down and replaced by a new structure or building or portion thereof.

Resort: A facility licensed by the State of Wisconsin Division of Family and Health Services where lodging is offered for pay. A resort may include a hotel, motel or tourist rooming house and may also be under the condominium form of ownership. A resort does not include private boarding or rooming houses not accommodating tourists or transients, or bed and breakfast establishments.

RFW (Riparian Frontage Width): (Re: Section 9.93 (E)(2) of the Oneida County Zoning & Shoreland Protection Ordinance) The minimum riparian frontage width shall be measured the lesser of a straight line connecting points where the side lot lines intersect the OHWM or as the length of chord which is perpendicular to a side lot where it intersects the OHWM and terminates at the opposite side lot line.

Riding Academy: An establishment having horses for rent or hire.

Right-of-Way: Lands dedicated for public use for road purposes.

Riparian: An owner of land adjacent to navigable waters.

Service Business: Commercial establishment devoted to the performance of work for others, not the production of a tangible commodity. Examples of service business include, but are not limited to offices for physicians, accountants or attorneys.

Service Club and Religious Notices: Signs and notices, whose erection is authorized by law, relating to meetings of non-profit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

Setback: The minimum allowable horizontal distance from a given point or line of reference, such as a thoroughfare right-of-way, ~~water line~~, OHWM or prospective construction line to the nearest vertical wall or other element of a building or structure.

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Shoreland Alteration Permit: A permit issued in this ordinance generally required to fill, grade, lagoon, dredge, ditch and excavate shoreland.

Shoreland Setback Area: Also known as the "Shoreland setback area" Means an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under this section 59.692, Stats.

Shoreland-Wetland Zoning District: The zoning district, created as a part of this Shoreland Zoning Ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

Shorelands: Lands within the following distances from the ordinary high water mark of navigable waters: 1,000 feet, measured horizontally, from a lake, pond or flowage, and 300 feet, measured horizontally, from a river, or whichever distance is greater.

Shoreyard: Those lands within 200 feet of the ordinary high water mark of a navigable lake, pond, flowage or river.

Shrub: A plant native to the area with bushy, woody growth usually branched at or near the base, less than 15 feet in height.

Sidewalk: Means that portion of a highway between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, constructed for use of pedestrians.

Sign: Any outdoor advertising, display, device, notice, figure, painting, drawing, message, placard, poster, billboard, structure, or other thing, which is designed, intended, or used to advertise or inform, any part of the advertising or informative contents of which is visible from any place from the roadway. Included in this definition as signs are graphic devices such as logos, attention attracting media such as banners, pennants, flags or logo sculpture, statues, inflatable devices, and obtrusive colored fascia or architectural elements.

Silviculture: The planting, thinning and harvesting of trees.

Special Exception (conditional use): A use which is permitted by this ordinance provided that certain conditions specified in the ordinance are met and that a permit is granted by the board of adjustment or, where appropriate, the planning and zoning committee or county board.

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Special Zoning Permission: Special zoning permission has the meaning given in sec. 59.69(15)(g), Wis. Stats. as may be amended from time to time.

Standard Project Flood: A hypothetical flood, estimated by the Corps of Engineers, representing the critical flood runoff volume and peak discharge that may be expected from the most severe combination of meteorological and hydrologic conditions that are considered reasonably characteristic of the geographical region involved, excluding extremely rare conditions.

Storage Capacity of a Floodplain: The volume of space above an area of floodplain land that can be occupied by floodwater of a given stage at a given time, regardless of whether the water is moving.

Story: That part of a building between a floor and either the next floor or ceiling above. A basement shall not constitute a story.

Street: A public road or highway right-of-way usually affording primary access to abutting property.

Structural Alteration or Structural Improvement: Any modification or replacement of structural members of the existing exterior walls, roof, foundation, internal partitions or structural members such as headers, studs, joists, rafters or trusses.

Structure (s.59692(1)(e), Stats): A principal structure or any accessory structure including a garage, shed, boathouse, sidewalk, walkway, patio, deck, retaining wall, porch or firepit.

Structure: Anything constructed or erected, the use of which requires permanent or temporary location on the ground, or attached to something having a permanent or temporary location on the ground, including but not limited to any building, dwelling, manufactured building, manufactured home, mobile home, house trailer, recreational vehicle, boathouse, boat shelter, advertising sign, deck, patios, driveways, fences, retaining walls, or other improvements or any part of such structure. A structure includes any permanent or temporary appurtenance attached thereto, including but not limited to awnings and advertising signs.

Structure, Accessory: A subordinate structure on the same property as the principal structure which is devoted to a use incidental to the principal use of the property. Accessory structures include but are not limited to detached garages, decks (both detached and attached), sheds, barns, gazebos, patios, swimming pools, walls, fences, playground apparatus, driveways, parking lots and parking

facilities, sidewalks, stairways, lifts, recreational courts and private emergency shelters.

Structure, Principal: The main structure on a lot, intended for primary use as permitted by the regulations of the district in which it is located. A lot on which more than one principal use is located may have more than one principal structure.

Substandard Lots: A legally created lot or parcel that met minimum area and minimum average width requirements when created, but does not meet current requirements for a new lot.

Temporary Structure: A structure which is built of such materials and in such a way that it would commonly be expected to have a relatively short useful life, or is built for a purpose that would commonly be expected to be relatively short-term.

Tourist Rooming House: All lodging places and dwelling units for eight (8) or less persons, other than hotels and motel with four (4) or less rooms, in which sleeping accommodations are offered for pay to tourists or transients. It does not include private boarding or rooming houses not accommodating tourist or transients, or bed and breakfast establishments.

Trapper's Cabin: A building used as a base for operating one or more trap lines.

Tree: A plant native to the area with a woody stem, unbranched at or near the base, reaching a height of at least 15 feet or more and a diameter of over 4 inches at maturity.

Unnecessary Hardship: That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing the area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Unrelated Business: A business having a separate identity as recognized in the Internal Revenue Service and which requires a separate filing of income tax papers.

Use, Accessory: A subordinate use which is clearly and customarily incidental to the principal use of a structure or premises and which is located on the same lot as the principal structure or use. Accessory uses include, but are not limited to, storage and gardening.

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Use, Principal: A principal use is a use which may be lawfully established in a particular zone or district, provided it conforms with all requirements, regulations and performance standards of this ordinance when the use is the dominant activity on the premises. More than one principal use may be located on a lot.

Variance: An authorization by the board of adjustment for the construction or maintenance of a building or structure in a manner which is inconsistent with dimensional standards (not uses) contained in the zoning ordinance.

Vegetated Filter Strips: Consist of close growing vegetation designed to receive overland sheet flow. The vegetation slows runoff and traps particulate pollutants. Effectiveness of these strips is a function of the length and slope of the filter strip, soil permeability, the size of the drainage area, and the type and density of the vegetative cover. Good performance for pollutant removal can be expected from widths of 50 to 75 feet and an additional 4 feet of width for every one percent of slope.

Vegetated Swales/Grassed Channels: Broad shallow channels with a dense stand of vegetation established in them that are designed to promote infiltration and trap pollutants. The combination of low velocities and vegetative cover provides for pollutant settling or treatment by infiltration. This practice can also provide reduced volumes of runoff and peak discharges. Low gradient swales perform better than steeper grades.

Vertical Expansion: Expansion either upward and/or downward within the existing building footprint.

Viewing Area: An area relatively free of vegetation that allows a reasonably unobstructed view of the shore from the principal structure located on the property.

Vision Triangle: The triangular area adjacent to the intersection of any public roadways or private road within which sight lines are maintained for vehicular traffic. The triangle is established by measuring a distance of 10 feet from the intersection of the extended curb or edge of the pavement of the public roadway or private road. A straight line connecting the ends of each measured distance that forms the hypotenuse shall establish the visibility triangle.

Walkway: A developed path consisting of concrete, gravel, brick, wood, paving stones or other similar materials.

Watershed: The entire region or area contributing runoff or surface water to a particular watercourse or body of water.

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Waterway: Any body of water declared navigable pursuant to sec. 30.10, Wis. Stats.

Wetlands: Those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Wet detention pond: Consists of a single permanent pool of standing water with a depth between three and five feet. Allows pollutants to settle and usually built with a defined fore bay and outlet structure.

Wet retention pond: A single cell permanent pool of standing water with no outlet.

Wharf: Any structure in navigable waters extending along the shore and generally connected with the uplands throughout its length, built or maintained for the purpose of providing a berth for a boat or for loading or unloading cargo or passengers onto or from a boat.

Zoning Administrator: The Oneida County Planning and Zoning Administrator or his or her designee.